

REMARKS/ARGUMENTS

In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 22-45 are pending for further examination.

Claims 22-25, 27-32, 38-40, 42, and 44-45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller (U.S. Patent No. 5,959,869) in view of McGrane (U.S. Patent No. 6,496,927), Martin, Korn, and Siegel (U.S. Patent No. 4,413,260). Claim 26 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, Siegel, and further in view of Nichols et al. (U.S. Patent No. 6,138,150). Claim 41 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, Siegel, and further in view of Kleiman (U.S. Patent No. 5,959,945). Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, Siegel, and further in view of Rhoads (U.S. Patent No. 6,311,214). Claims 34-37, and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miller, McGrane, Martin, Korn, Siegel, and further in view of Dobbs et al. (U.S. Patent No. 5,566,237). These 5+ reference § 103 rejections are respectfully traversed for at least the following reasons.

Applicant once again respectfully submits that the cited prior art, alone and in combination, fails to teach or suggest an arrangement in which “said modification of the operating parameters is obtained by: generating a file of modification commands by the server using information from the database, sending, via the server to the devices concerned, the file of modification commands when the devices are connected, and receiving and executing the file of modification commands by the devices concerned,” as called for in claim 22 and its dependents.

Miller relates to the remote control of vending machines as explained in the first sentence of its abstract. Although Miller’s vending machine controller does have multitasking and remote

reprogramming capabilities, the vending machine controller does not belong to the technical field of reproduction devices, much less to the remote management of audiovisual information on a reproduction device. Nor would one skilled in the art at the time of the invention have logically looked to a vending machine when attempting to design these aspects of a jukebox. Miller is relevant art only to the extent that it pertains to the remote control/modification of remote machines. But there must be some bounds on the combinability of remotely controllable apparatuses. To hold otherwise would be to suggest that any teaching from any two references related to remotely controllable apparatuses could be combined. Surely this cannot be the appropriate test for obviousness under 35 U.S.C. § 103.

In any event, the Office Action incorrectly considers that the connection of the Miller's vending machine controller to its remote host corresponds to the claimed connection to the claimed database that comprises all the configurations of the operating parameters of each audiovisual information reproduction device. Although Miller may disclose a partial subset of configuration options for a partial subset of the vending machines, this teaching clearly does not correspond to this specifically claimed feature.

This misinterpretation apparently is based on the paragraph at col. 10, lines line 45-55 of Miller. That paragraph mentions that the operating system of the programmable processor can be reprogrammed by a remote host connected by a modem to the serial port of the processor through the port arbitrator or by a local handheld computer used by a service person connected by a cable or an infrared link to the programmable processor via the port arbitrator. But even though a modem and a remote host happen to be mentioned in this portion of Miller, such teachings clearly do not correspond to the claimed central server with the database comprising all operating parameter configurations. Miller as a whole does not teach the claimed central server

and database. Rather, the remote host of Miller is understood to be a single remote controller or programmer of the vending machine controller without the claimed invention.

The Office Action alleges that col. 10, line 45 to col. 11, line 10 teaches the transfer of a new operating system to the programmable processor of the vending machine and the switching over from the old operating system to the new operating system. But the new content in Miller is transferred to the remote vending machine and completely replaces the previous content of the operating system in the remote vending machine, as is made clear at col. 3, line 64. Thus, this transferred content is not a program executed by the remote vending machine to modify some of its operating parameters. Indeed, these characteristics of Miller do not correspond to the above-quoted subject matter of claim 22, which instead concerns the generation and the transfer of a file of modification commands generation, transferred to the reproduction device and executed to modify the concerned operating parameters.

The Office Action recognizes that Miller, in combination with McGrane, Martin, and Korn, does not teach or suggest the generation and the transfer of a file of modification commands to the reproduction device, and the execution of modification commands to modify the concerned operating parameters. Nevertheless, the Office Action deems that these characteristics would have been obvious to one skilled in the art at the time of the invention by combining these four references with Siegel.

Siegel concerns a coin operated phonograph, wherein a transmitter has a serviceman with a programmable push button for a free play credit entry function. As detailed on lines col. 2, lines 57-59 and col. 3, lines 3-6 of Siegel, this transmitter operates with a digitally pulse-width modulated radio carrier received by a detector that activates a switch, like a power on/off line. However, contrary to the apparent assertions in the Office Action, there is no clear teaching or

suggestion, or logical reason, as to why Siegel should be combined with the other four references.

The free play credit function concerns a function for switching the coin-operated phonograph to a non-coin-operated mode -- not a function to select a given number of credits to select songs. This appears to have been misapprehended in the Office Action. Moreover, Siegel's publication discloses a transmitter working with a receiver. Such devices are not comparable with the claimed invention and in any event do not involve the claimed server with the claimed database. The transmitted modulated radio carrier is a single switch activation signal that does not correspond and cannot be assimilated into the claimed transferred modification files. Furthermore, the switch activation signal is not executed by the receiver device. Rather, it is the action corresponding to the code of the switch activation signal that is carried out, as it can be understood from col. 2, lines 64-66.

It can be seen from the above that there are a number of factual errors concerning the scope and content of the prior art. It also is likely the case that the 5+ way combinations were arrived at through the resort to improper hindsight, as Miller is non-analogous art and minimal credible explanation is given as to why Siegel would have been combined with the other four references. Accordingly, reconsideration and withdrawal of all outstanding rejections are respectfully requested.

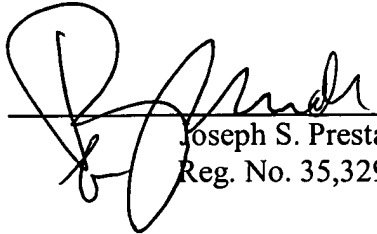
In view of the foregoing remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

NATHAN et al
Appl. No. 09/584,797
August 25, 2010

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

 (#41,426)
Joseph S. Presta
Reg. No. 35,329

JSP:lmj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100